

United States Attorney Southern District of New York

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The Slivio J. Mollo Building One Saint Andrew's Plaza New York, New Yark 10007

MEMO ENDORSED

February 6, 2008

By Fax

Honorable Colleen McMahon United States District Judge United States Courthouse 500 Pearl Street New York, N.Y. 10007 1/1/08 gante

Re:

United States v. Smith and Taylor

07 Cr. 972

Dear Judge McMahon:

On Monday, February 4, 2008, Your Honor adjourned a pre-trial conference scheduled for that day and re-set the conference for March 3, 2008, at 9:30. The Government writes, with the consent of defendant Taylor, to request that the time between today and the conference date be excluded from the Speedy Trial clock to permit the parties to continue discussions of a possible resolution of the case. The Government respectfully submits that the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(8)(A).

Defendant Smith, who had been excused from appearing at the February 4 conference, pled guilty that same day before Magistrate Judge Eaton. The Government will forward to Your Honor the transcript of the plea allocution when it is received, along with a proposed order accepting Smith's plea.

Respectfully submitted,

MICHAEL J. GARCIA United States Attorney

 $\mathbf{R}\mathbf{v}^{r}$ 

Jeffrey A. Brown

Assistant United States Attorney

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